

STATE OF MARYLAND

VS.

Wayne M. Oyerly

IN THE CIRCUIT COURT

FOR CECIL COUNTY

CASE NO. 7-K-02-1159

PLEA BARGAIN: EXPLANATION OF AND ACKNOWLEDGMENT OF RIGHTS

GUILTY PLEA

Before the Court can accept your guilty plea, you must answer some questions on the record because the Court wants to make sure that you know what you are doing, you know what your rights are, your plea is being made voluntarily, and you understand your Constitutional rights.

1. My name is Wayne M. Oyerly
2. I am 47 years of age.
3. The farthest I went in school was 2 years College
4. I can read and write.
5. I am not presently under the influence of alcohol, drugs, narcotics, other pills or suffering from withdrawal symptoms from the use of them.
6. Have you ever been under the care of a psychiatrist or mental hospital or institution? no
7. Is there anything presently wrong with you? no
8. Are you presently on parole or probation? no

If you are on parole or probation and the offense to which you are now pleading guilty occurred after you were sentenced for the crime for which you are now on parole or probation, this guilty plea itself could be sufficient to trigger a violation of the parole or probation and you could be required to serve the entire suspended portion of the sentence or the unserved portion of the

sentence. Do you understand this? na

9. Do you understand that in this case you are pleading guilty to Possession of Marijuana in sufficient quantity to indicate an intent to distribute.

If you were to proceed to trial, the State would have to prove beyond a reasonable doubt to a jury, if you had a jury trial, or to a judge, if you had a Court trial, the following matter which are

called "elements" of the offense: Knowingly possessed marijuana under circumstances indicating an intent to distribute - non personal use

10. And you understand that this offense carries the following penalties: 5 years, fine - \$15,000.

11. I have discussed the matter of pleading guilty with my attorney and she or he has advised me of my rights.

12. Even though your attorney has advised you of your rights, the Court wants to go over the rights that you have and that you are giving up because the Court wants you to know what they are.

13. I understand that by pleading guilty I am giving up my absolute right to plead not guilty. If I pled not guilty the State would have to prove each and every count against me by proof beyond a reasonable doubt and to a moral certainty. I understand that under the law I am presumed to be innocent, and if I pled not guilty, the State would have this burden of proving each and every count against me.

14. I understand that in order for the State to prove me guilty beyond a reasonable doubt, it would have to bring into open court witnesses who would have to testify in front of me, and my attorney and I would have the right to cross-examine them. I understand that by pleading guilty today, I am giving up that right to cross-examine witnesses.

15. I understand that I am giving up my right to be tried by a judge or a jury. A trial by a judge would be a trial by Judge Thompson or some other judge. A jury trial would be a trial by a group of twelve men and women from Cecil County chosen at random from the voters lists. They would be young and old, black, white, male, female, educated, uneducated and their verdict, as would the judge's if I chose a judge trial, would have to be unanimous that I was guilty beyond a reasonable doubt and to a moral certainty or I would be entitled to go free.

16. I understand that I am giving up my rights to present evidence and to produce witnesses on my behalf, to file preliminary motions, to object to evidence and testimony introduced by the State.

17. I understand that I am giving up my right to remain silent which is a Constitutional right guaranteed me under the law, and whether it were a court or a jury trial if I decided not to testify there could be no inference of guilty by the fact that I didn't testify, because I do have that right to remain silent. If it were a jury trial and I requested it of the judge, the judge would advise the jury that there could be no inference of guilt by reason of the fact that I did not testify, because I do have the absolute right to remain silent.

18. I understand that I am giving up my rights to appeal by pleading guilty. Technically, I would still have the right to file an application for leave or permission to appeal, but if the Court of Special Appeals accepted the appeal, it would be limited to the following issues: (1) whether or not this court had jurisdiction to try the case; (2) whether the judge gave you an illegal sentence; (3) whether or not your attorney had given you fair and adequate representation; and (4) whether or not your plea was made voluntarily, whether you knew your rights and were aware of the full consequences of making the plea, and whether you pled guilty of your own free will.

19. This is why my rights are being specified in this paper and explained to me by my attorney.

I am pleading guilty freely and voluntarily without threat or fear to myself or anyone closely related to me.

20. No one made me a promise of a lesser sentence, probation, reward, immunity or anything else in order to get me to plead guilty, other than the plea negotiations, which are:

① Remove mandatory penalty

② nolle prosequi - dismiss all other charges.

③ State to cap recommendation at 2 years to serve - Defense free to argue for any sentence.

21. It is correct that I am pleading guilty because in truth and in fact I am guilty and because of the plea negotiations and for no other reason.

I have read the above or have had read to me the above. I affirm under the penalties of perjury that it is true and correct to the best of my knowledge, information and belief.

4/10/03
Date

Wayne M Byers
Defendant

I certify that a copy of the foregoing was hand-delivered to State's Attorney, Court House, Elkton, MD 21921 on _____.

Attorney for Defendant

- ④ Forfeit - 1998 Landau 16' Boat
FD# LB0633241293
1988 Load Trailer VIN: UPH2NRL11J1000067
2000 Chevrolet 5-10 Pick-up
VIN 1GECT19W9Y8240525
- ⑤ Not contest and w. follow any
claim to Federal Admin Forfeiture
03-DEA-42304 - copy of report.

- \$ 670

- ⑥ Forfeit ~~\$670~~ cash
- ⑦ Waive any claim to monies
seized from County Bank -
Joint Account with Lois Byrly
- ⑧ PSI - Bond continue

CLERK'S CERTIFICATE

STATE OF MARYLAND

CECIL COUNTY, TO-WIT:

I, **WILLIAM L. BRUECKMAN**, Clerk of the Circuit Court for Cecil
County, do **HEREBY CERTIFY** that the foregoing is a **TRUE COPY** of **DOCKET ENTRIES**:

STATE OF MARYLAND

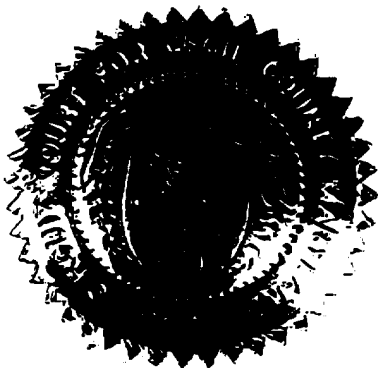
VS

WAYNE MARTIN BYERLY

, and recorded in Liber No. , Folio **K-02-1159** one of
the **Criminal** Record Books of Cecil County.

IN TESTIMONY WHEREOF, I hereunto set my hand

and affix the Seal of the Circuit Court for Cecil
County, this **17th** day of **April** in the year
Two Thousand and Three.



William L. Brueckman
Clerk of the Circuit Court for Cecil County

CIRCUIT COURT FOR CECIL COUNTY

William L. Brueckman
Clerk of the Circuit Court
Room 108 Court House
129 E. Main Street
Elkton, MD 21921-

TTY for Deaf: (410)-398-2097

Civil Equity(410)996-5377 Civil Law(410)996-5369 MD Toll Free 1(888)287-0576

04/17/03

Case Number: 07-K-02-001159 IN PD
Date Filed: 10/11/2002
180 Day End: 04/26/03
Status: Open/Active
Judge Assigned: To Be Assigned,
Arrest Tracking Numbers: 00-0002-65888-0
Location :

State of Maryland vs Wayne Martin Byerly

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Arrest Tracking Number	000002658880
District Court Number	006K00024303
States Attorney Case	07-S-02-000200
Case Folder ID	K02001159V01

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
ST	001 State Of Maryland			10/10/02
		Party ID: 0000017		
	Attorney: 0803366 Baynes, Keith A 129 East Main Street Elkton, MD 21921 (410)996-5335			10/24/02
BF	001 Byerly, Wayne Martin 09/16/55			10/10/02
		Party ID: 0064124		
	Central Criminal Number:020701780			

MAY-09-2003 10:35 FROM: MSP ASSET UNIT

10/29/02

10/29/02

P.5/17

07-K-02-001159

Date: 04/17/03

Time: 11:11

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Mail: 5 Jenkins Road
Chesapeake City, MD 21915

10/10/02

Attorney: 0015944 Barnes, Harry D

Appear: 10/28/2002 Removed:12/19/02

10/30/02

0018696 Boon, Kristy Davis

Appear: 10/28/2002 Removed:12/19/02

10/30/02

0018680 Brown, C Thomas
205 East Main Street
Elkton, MD 21921
(410)396-3850

Appear: 12/19/2002

01/27/03

type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
RO	001	Widdoes, Sgt. Gerald			10/10/02
			Party ID: 0021774		
		Mail: CCSO 500 Landing Lane Elkton, MD 21921	04/14/03		
NC	001	Byerly, Wayne Martin 09/16/55			10/23/02
			Party ID: 0064779		
		Mail: 5 Jenkins Road Chesapeake City, MD 21915	10/10/02	10/23/02 RK	
TF	001	Isimerman, Berta M			02/04/03
			Party ID: 0022587		
		Mail: MSP Crime Lab 1201 Reisterstown Road Pikesville, MD 21208	04/15/03		
FF	002	McDonald, Cpl Timothy P			02/04/03
			Party ID: 0022103		
		Mail: MSP Barrack F 2433 Pulaski Hwy North East, MD 21901	04/09/03		

CALENDAR EVENTS

ite	Time	Our	Car	Evnt	Lvl	Atty	Jdg	Day	Of	RsIt	By	ResultDt	Jdg	T	Notice	Rec	User	ID
1/06/02	01:30P	02Q	yes	ARGN			TBA	01	/01	VAC	C	10/30/02					TMD	ALB

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Date	Time	Dur	Cer	Evnt	Lvl	Atty	Jdg	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec	User	ID
03/07/03	10:00A		yes	CRMO			ORL	01	/01	CON	C	03/07/03	ORL			Y	SD	ALB
Stenographer(s): Tina Ritchie																		
4/10/03	09:50A		yes	PLEA			ORL	01	/01	CON	E	04/10/03	DMT			Y	SD	CLG
Stenographer(s): Susan Milton																		
6/16/03	09:30A		yes	SENT			DMT	01	/01								CEH	CEH

COUNTS

ount	Ver	And	Off/And	Date	ATN	CJIS	Statute	Class	Disp	Disp	Stg	Plea	Plea	Vrd	Vrd	Judge
										Date		Date		Date		
01	0	0	09/29/02	00-0002-65888-0	2	3550	27.286.(a)(1)	F	NP	04/10/03	PH	NG	04/10/03			DMT
Cds: Manufacture/Distribute																
02	0	0	09/29/02	00-0002-65888-0	1	0233	27.286	F	G	04/10/03	PH	G	04/10/03			DMT
Cds: Possess With Intent To Distribute																
03	0	0	09/29/02	00-0002-65888-0	1	0573	27.287.(a)	M	NP	04/10/03	PH	NG	04/10/03			DMT
Cds: Possession-Marihuana																
04	0	0	09/29/02	00-0002-65888-0	1	0233	27.286	F	NP	04/10/03	PH	NG	04/10/03			DMT
Cds: Possess With Intent To Distribute																
05	0	0	09/29/02	00-0002-65888-0	1	0239	27.286	F	NP	04/10/03	PH	NG	04/10/03			DMT
Common Nuisance/Distribute Cds																
06	0	0	09/29/02	00-0002-65888-0	1	0573	27.287.(a)	M	NP	04/10/03	PH	NG	04/10/03			DMT
Cds: Possession-Marihuana																
07	0	0	09/29/02	00-0002-65888-0	6	3555	27.287A.(d).(1)	M	NP	04/10/03	PH	NG	04/10/03			DMT
Cds: Distribute Paraphernalia/Subsequent Offender																

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
JA To Be Assigned	J		10/21/02		

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DOCUMENT TRACKING

Num/Seq Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0001000 Criminal writ of Summons Issued	10/21/02	10/21/02	DEF001	TBA	10/21/02	TMD TMD
0002000 Criminal Indictment	10/11/02	10/21/02	PLT001	TBA		RK RK
0003000 Arrest Date: 9-30-02	10/23/02	10/23/02	000	TBA	10/23/02	RK RK
0004000 Bail Bond Posted/Property \$100,000.00	10/18/02	10/23/02	000	TBA	10/23/02	RK RK
0005000 Attorney Appearance Keith A Baynes		10/24/02	PLT001	TBA	10/24/02	TMD TMD
0006000 Defense Attorney Appearance Filed Harry D Barnes	10/28/02	10/30/02	DEF001	TBA	10/30/02	ALB ALB
0007000 Defense Attorney Appearance Filed Kristy D Boon	10/28/02	10/30/02	DEF001	TBA	10/30/02	ALB ALB
0008000 Motion to Suppress Evidence	10/28/02	10/30/02	DEF001	TBA		ALB ALB
0009000 Request for Discovery and Inspection	10/28/02	10/30/02	DEF001	TBA		ALB ALB
0010000 Criminal Assignment Notice Issued	01/23/03	01/23/03	000	TBA	01/23/03	SD SD
0012000 Notice of Substitution of Counsel Enter the appearance of C T Brown and Strike the appearance of Barnes and Boon.	12/19/02	01/27/03	DEF001	TBA	01/27/03	ALB ALB
0013000 Attorney Appearance Removed Harry D Barnes	01/27/03	01/27/03	DEF001	TBA	12/19/02	ALB ALB
0015000 Attorney Appearance Removed Kristy D Boon	01/27/03	01/27/03	DEF001	TBA	12/19/02	ALB ALB
0016000 Criminal Assignment Notice Issued	01/30/03	01/30/03	PLT001	TBA	01/30/03	SD SD
0017000 Automatic Discovery & Req for Discovery	02/05/03	02/06/03	PLT001	TBA		CLG CLG
0018000 Answer to Motion for Discovery & Insp	02/05/03	02/06/03	PLT001	TBA		CLG CLG
0019000 Hearing Withdraw Motions pending supplemental discovery from the state.	03/07/03	03/10/03	000	ORL		ALB ALB
0020000 Supplemental Answer to Defendant's Motion for Discovery and Inspection	03/14/03	03/18/03	PLT001	TBA		ALB ALB

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Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
021000	Hearing on Guilty Plea P S I. Ordered Bond Continued Sentencing Date: June 16, 2003 at 9:30 a.m Defendant agrees to the following: Forfeit 1993 Landau 16' Aluminum Boat; 1998 trailer; 2000 S-10 Chevy Pick-up: No claim to Federal Administration forfeiture of \$54,649.78 in No. 03-DEA-413014; Forfeit \$670.00 cash from residence that was seized; Waive any interest and claim to monies seized from County Bank joint account with Lois Byerly.	04/10/03	04/11/03	000	DMR		CLG CLG

022000	Copies Mailed/Sent to P & P	04/11/03	04/11/03	000	TBA		CLG CLG
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SERVICE

Orn Name	Issued	Hearing	Served	Returned	Agency
A-Subpoena-Officers R0001 Widdoes, Sgt. Gerald	02/04/03	03/07/03			Cesd
A-Subpoena-Officers R0001 Widdoes, Sgt. Gerald	02/04/03	04/10/03			Cesd
A-Summons EF001 Byerly, Wayne	10/21/02	11/06/02			Cesd
A-Subpoena-Officers TF001 Tsimmerman, Berta	02/04/03	04/10/03			Baltimore County Sheriff
A-Subpoena-Officers TF002 McDonald, Cpl Timothy	02/04/03	04/10/03			Cesd

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
3DT	18 Day Tickle	OPEN	01/06/03	18	yes	no			000	000
TR	Hicks Rule Tickle	CANCEL	03/17/03	140	yes	no			000	000